

PATRICIA A. O'CONNOR (PO5645)  
BRODY, O'CONNOR & O'CONNOR, ESQS.  
Attorneys for Defendant  
7 Bayview Avenue  
Northport, New York 11768  
(631) 261-7778

WM 18-228 PO  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GLADYS LEANDRO,

Plaintiff,

-against-

WALMART SUPERCENTER STORE #2637,  
WAL-MART STORES EAST, LP,  
WAL-MART STORES, INC. and  
WAL-MART ASSOCIATES, INC.,

Defendants.  
-----X

**Docket No.:**

**NOTICE OF REMOVAL**

**TO THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK:**

Defendant, WAL-MART STORES EAST, LP i/s/h/a "WALMART SUPERCENTER STORE #2637, WAL-MART STORES EAST, LP, WAL-MART STORES, INC. and WAL-MART ASSOCIATES, INC.", for the removal of this action from the Supreme Court of the State of New York, County of ORANGE, to the United States District Court for the SOUTHERN District of New York, respectfully shows this Honorable Court:

FIRST: Defendant, WAL-MART STORES EAST, LP is a defendant in a Civil action brought against it in the Supreme Court of the State of New York, County of ORANGE, entitled:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
GLADYS LEANDRO,

**Index No.: EF004350/18**

Plaintiff,

-against-

WALMART SUPERCENTER STORE #2637,  
WAL-MART STORES EAST, LP,  
WAL-MART STORES, INC. and  
WAL-MART ASSOCIATES, INC.,

Defendants.  
-----X

Copies of the Summons, the Complaint, and WAL-MART STORES EAST, LP's Answer are annexed hereto as Exhibit A.

SECOND: That this action seeks recovery for damages sustained as a result of personal injuries allegedly suffered by the plaintiff while on the defendant's premises.

THIRD: The grounds for removal are that this Court has original jurisdiction pursuant to 28 § 1332(a)(1). The amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between citizens of different States. Annexed hereto as Exhibit B is defendant's CPLR 3017(c) demand. On February 14, 2019, plaintiff's attorney, Frank Arrieta, demanded \$300,000.00 to settle this matter.

FOURTH: The defendant, WAL-MART STORES EAST, LP, is a Delaware limited partnership with its corporate headquarters and principal place of business in Arkansas. WSE Investment, LLC, is the limited partner of WAL-MART STORES EAST, LP, and WSE Management, LLC is the General Partner. Both are Delaware companies with their principal places of business in Arkansas. The sole member of both limited liability companies is Wal-Mart Stores

East, Inc. Wal-Mart Stores East, Inc. is a citizen of Arkansas. It is incorporated in Arkansas and its principal place of business is in Arkansas. Thus, for diversity purposes, the defendant is a citizen of Arkansas. See Carden v. Arkoma Assocs., 494 U.S. 185, 195-96, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990) (stating that, for purposes of diversity jurisdiction, limited partnerships have the citizenship of each of its general and limited partners); Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir.1998) (stating that, for purposes of diversity jurisdiction, a limited liability company has the citizenship of its members).

FIFTH: That upon information and belief Plaintiff is a citizen of the State of New York, County of ORANGE.

SIXTH: In that this action is between citizens of different states and seeks damages in excess of \$75,000.00, than pursuant to 28 U.S.C.A. § 1332 and 28 U.S.C.A. § 1441 and § 1446 the case should be removed from the Supreme Court of the State of New York, County of ORANGE to the United States District Court for the SOUTHERN District of New York.

Dated: Northport, New York  
March 5, 2019

Yours, etc.

BRODY, O'CONNOR & O'CONNOR, ESQS.  
Attorneys for Defendant

By:



PATRICIA A. O'CONNOR (PO 5645)  
7 Bayview Avenue  
Northport, New York 11768  
(631) 261-7778  
File No.: WM 18-228 PO

TO: SOBO & SOBO, LLP  
Attorneys for Plaintiff  
One Dolson Avenue  
Middletown, New York 10940  
(845) 343-0466

AFFIDAVIT OF MAILING

STATE OF NEW YORK     )  
                                      ) ss:  
COUNTY OF SUFFOLK    )

DEBRA SANACORA, being duly sworn, deposes and says:

That your deponent is not a party to this action, is over 18 years of age and resides at Ronkonkoma, New York.

REMOVAL     That on the 7th day of March, 2019, deponent served the within NOTICE OF

UPON:

SOBO & SOBO, LLP  
Attorneys for Plaintiff  
One Dolson Avenue  
Middletown, New York 10940  
(845) 343-0466

The address designated by said attorney for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
\_\_\_\_\_  
DEBRA SANACORA

Sworn to before me this  
7th day of March, 2019.

  
\_\_\_\_\_  
NOTARY PUBLIC

PATRICIA A. O'CONNOR  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02OC6028806  
Qualified in Suffolk County  
My Commission Expires 06-06-22